

**Serial No.: 09/138,459****Docket No. 0225-4161US16****REMARKS****Introduction – Claim Status**

The Office Action indicates that claims 19 is pending. Applicant has herein amended claim 19 for further clarity, and respectfully requests reconsideration in view of the herewith presented amendments and remarks. No new matter has been added.

**The 35 USC § 102(e) Rejection**

The Office Action rejects claim 19 under 35 U.S.C. § 102(e) as being anticipated by Fischer (US Patent No. 5,001,752). Applicant respectfully disagrees that with the alleged reading of claim 19 onto Fischer, and has amended claim 19 for additional clarity.

More specifically, Applicant respectfully submits that Fischer neither teaches nor suggests, *inter alia*, a device having a key generator that generates a public and private key pair, and a memory that stores a unique digital certificate that includes a public key, wherein the device “is capable of using said key generator to generate a new private and public key pair to obtain an updated digital certificate from said security server, as claimed by Applicant. For instance, in Fischer, the only private key generated for date/time notary device 1 is loaded into device 1 during an initialization procedure of the manufacturing process—a new private key (and associated public key) is never generated by device 1. Particularly, Fischer explains that after the generated private key has been stored in device 1, an “initialized flag” is set indicating that the initialization procedure has been completed to ensure that the processor cannot be initialized again.

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See, col. 7, l. 53 to col. 8, l. 11. Thus, Fischer's device, as manufactured and designed, is incapable of generating a new public/private key pair, and *a fortiori*, is incapable of obtaining an updated certificate.

Moreover, Applicant respectfully submits that to one skilled in the art, Fischer would not even have suggested the possibility of device 1 being operative in generating a new private key to obtain an updated certificate. For example, not only would such a new private key/updated certificate feature be contrary to Fischer's express embodiment, as described above, but also because Fischer does not even mention the possibility of updating any information established upon manufacture for implementing the trusted time stamping operation. For instance, Fischer does not even mention the possibility of updating the digital clocks that are set upon initialization/manufacture. If these clocks later have a discrepancy greater than some threshold quantity, then device 1 is disabled and the private key value destroyed. See, e.g., col. 4, ll. 10-46; and col. 7, ll. 53-68. Thus, Fischer does not even suggest the possibility of the device capable of being operative in generating a new private key to obtain an updated certificate.

For at least the foregoing stated reasons, Applicant respectfully submits that claim 19 is neither anticipated by nor rendered obvious in by Fischer, and thus respectfully requests that the §102(e) rejection be withdrawn and claim 19 allowed.

### **Conclusion**

In view of the above amendments and remarks, Applicant respectfully submits that the application is in condition for allowance. Reconsideration and withdrawal of the

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Examiner's rejections is respectfully requested and allowance of all pending claims is respectfully submitted.

If any outstanding issues remain, or if the Examiner has any suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number below.

The Examiner's time and attention to this matter are greatly appreciated.

Respectfully submitted,

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